

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: March 10, 2014

TIMOTHY B. DYK
United States Circuit Judge
(of the Federal Circuit, sitting by designation)
Judge Presiding

Court Administrator: Rosa L. Ferguson

Law Clerk: Sanjiv Laud

Court Reporter: Chris Bickham

STRAGENT, LLC, ET AL.

V

INTEL CORPORATION

**CIVIL ACTION NO: 6:11-CV-421
JURY SELECTION & TRIAL**

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

SEE SIGN-IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 8:50 am

ADJOURN: 6:20 pm

TIME:	MINUTES:
8:50 am	Pretrial Hearing prior to jury selection:
	Court addressed the parties regarding a Limine Motion. Mr. Albritton responded. Mr. Campbell responded.
	Court addressed the parties on Motion for Clarification. Court inquired as to who will be doing voir dire and opening statements. Parties responded. Court addressed the parties on final instructions.
	Court addressed the parties on proposed Final and Preliminary Instructions regarding damages on Claim 1. Mr. Albritton responded. Mr. Campbell responded.
	Court inquired if there was anything further. Parties did not have anything further. Court admonished parties not to argue case during voir dire.
9:05 am	Court in recess awaiting Jury Panel.
9:15 am	Jury Panel seated in the courtroom.
	Case called.
	Court addressed the Jury panel and welcomed them to jury service.
	Court gave the jury a brief overview of the case and gave them the tentative schedule.
	Court conducted voir dire examination of the Jury Panel. Court inquired of panel of hardships. Juror #5, 6 & 11 responded. Without objection, court excused these jurors and thanked them for their service. Court inquired if any on the panel have heard of this

TIME:	MINUTES:
	case. Juror #25 responded.
	Court asked counsel for the parties to introduce themselves, co-counsel, clients and any witnesses from the East Texas area.
	Mr. Albritton introduced himself, client, and co-counsel, and client. Mr. Jones introduced himself, client, and co-counsel, and client. Court inquired if anyone knew those mentioned by Mr. Albritton or Mr. Jones. No response from the panel.
	Court asked parties to list their witnesses. Mr. Albritton listed the witnesses plaintiff intends to call. Mr. Jones listed the witnesses Defendant intends to call. Mr. Campbell continued to list witnesses. Court inquired if anyone on panel knows any of the persons listed. No response.
	Mr. Albritton conducted voir dire examination of the jury panel on behalf of Plaintiff, Stragent.
	Mr. Jones conducted voir dire examination of the jury panel on behalf of Defendant, Intel.
	Court addressed the jury panel and will give them a break until 10:55 and attorneys back in 10 minutes.
10:25 am	Court in recess.
	Trial resumed. Jury Panel not present. Court excused 16, 24, 25 and 26 for cause. No objections from the parties.
	Mr. Albritton moved for cause Juror #9 and it is agreed to. Mr. Albritton moved for cause Juror #3 and #23. Mr. Jones responded in agreement with #9 and responded as to #3 and #23. Mr. Albritton further responded. Mr. Albritton withdrew challenge for cause Juror #23 and urged challenge for cause Juror #3. Court will strike Juror #3.
	Court addressed the parties and will include an additional instruction.
10:42 am	Court in recess for 10 minutes.
10:55 am	Trial resumed. Jury Panel not present. Court addressed the parties and indicated the numbers of the Jurors chosen, #1, 2, 7, 12, 13, 17, 18, & 19.
	Jury Panel seated in Courtroom. Court read the names of the jurors selected, #1, 2, 7, 12, 13, 17, 18, & 19. Court thanked the remaining panel and excused them from the courtroom. Court asked the Clerk to administer oath to Jury Panel. Jury sworn.
	Court gave the Jury some preliminary instructions and an indication of the trial proceedings.
	Court inquired if there were any objections to the instructions. No objections by the parties.
	Mr. Albritton invoked the Rule. Court explained the Rule to the Jury.
	Mr. Albritton presented opening statement on behalf of the Plaintiff to the Jury.
	Mr. Campbell presented opening statement on behalf of the Defendant to the Jury.
	Court advised the Jury that lunch has been provided.
12:40 pm	Court in recess until 1:40 pm
1:40 pm	Trial resumed. Jury seated in the courtroom.
	Court addressed the Jury and will proceed with evidence in the case.
	Mr. Albritton called DR. STEPHEN MILLIGAN to the witness stand. Witness sworn by the Clerk.

TIME:	MINUTES:
	Direct examination of Dr. Milligan by Mr. Albritton.
	Mr. Albritton passed the witness. Cross examination by Mr. Burman.
	Mr. Burman passed the witness. Redirect examination by Mr. Albritton.
	Mr. Albritton passed the witness.
	Court asked Jury to pass forward any questions of this witness. No questions from the jury.
	Court inquired if witness was subject to recall. Witness excused.
	Mr. Albritton called WALTER MILLIKEN by Video Deposition, and indicated it was 58 minutes; 30 minutes for plaintiff and 28 minutes for defendant. Video played for the jury.
3:25 pm	Court in recess until 3:40 pm.
3:40 pm	Trial resumed. Jury Seated in the Courtroom.
	Mr. Albritton called DR. HENRY HOUGH to the witness stand. Witness sworn by the Clerk.
	Direct examination of Dr. Hough by Mr. Albritton.
	Mr. Albritton passed the witness. Cross examination by Mr. Burman.
	Mr. Burman passed the witness. Redirect examination by Mr. Albritton.
	Mr. Albritton passed the witness. Court asked Jury to pass forward any questions of this witness. No questions. Witness excused.
	Mr. Albritton called DANA HAYTER by Video Deposition, and indicated it was 21 Minutes; 19 minutes for plaintiff and 2 minutes for the Defendant.
	Mr. Albritton called KEVIN ZILKA to the witness stand. Witness sworn by the Clerk.
	Direct examination of Mr. Zilka by Ms. Olin.
	Ms. Olin passed the witness.
	Court instructed witness to be present tomorrow for Cross Examination.
	Court thanked the Jury and reminded them of the Court's instructions. Jury excused until 9:00 am tomorrow.
5:40 pm	Court in recess for 10 minutes.
5:50 pm	Trial resumed. Hearing outside the presence of the Jury.
	Court addressed the parties on admission of exhibits. Mr. Albritton responded and will offer all exhibits on 1 st Amended Final List filed on 3/9/2014, except for a few and will tender a list to Clerk tomorrow morning. Mr. Campbell will follow the same procedure.
	Court addressed the parties on the Motion to Clarify. Ms. Bostwick presented the Motion to Clarify, Docket No. 298 . Mr. Jones responded. Court denies and Dr. Velturro cannot testify about the methodology.
	Court addressed the parties on the Motion in Limine. Ms. Bostwick presented Motion in Limine, Docket No. 302 . Mr. Campbell responded. Ms. Bostwick replied. Court expressed its concern to the parties on claim constructions. Ms. Bostwick responded. Mr. Campbell responded. Court will postpone ruling until decision is made as to what Dr. Stark testifies to and rule in the context of what the testimony. Ms. Bostwick further addressed the Court on this issue. Mr. Campbell responded. Court will take up after a decision will be made.
	Court addressed the parties on Claim 1 of the '244 Patent. Mr. Albritton responded and Ms. Woodford will opine as to Claim 1 of the '244. Mr. Campbell responded. Mr. Albritton further responded. Mr. Jones responded. Court inquired as to why it is prejudicial. Mr. Albritton responded. Mr. Jones responded. Court is not going to rule right now and will wait to see what Ms. Woodford will testify to.

TIME:	MINUTES:
	Court addressed the parties on monetization of patents regarding infringement. Mr. Albritton responded. Court expressed its concerns on avoid implications on infringement. Mr. Albritton responded. Court made its ruling clear.
	Court inquired as to anything further. Parties did not have anything further.
6:20 pm	There being nothing further, Court adjourned.